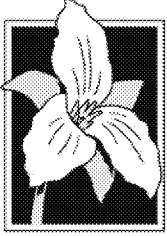


# NORTHWEST ENVIRONMENTAL ADVOCATES



February 13, 2017

Catherine McCabe, Acting Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code 1101A  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

*Certified Mail; Return Receipt Requested*

**Re: Petition for Corrective Action or Withdrawal of Authorization from the State of Washington to Issue National Pollutant Discharge Elimination System Permits**

Dear Ms. McCabe:

Please find enclosed a petition from Northwest Environmental Advocates requesting that the U.S. Environmental Protection Agency take specified steps to withdraw authorization from or otherwise remedy serious defects in the State of Washington's National Pollutant Discharge Elimination System (NPDES) permitting program under the Clean Water Act. The petition focuses on the unlawful failure of the Washington Department of Ecology ("Ecology") to regulate nitrogen discharges to Puget Sound in its issuance of NPDES permits for sources discharging to the Sound and its tributaries.

As set out in the petition, EPA not only has the authority to remedy the failures in Washington's permitting program but it is required to do so. This petition demonstrates that, despite years of studies by Ecology on excess nutrient pollution in Puget Sound, its ill effects on water quality and the Sound's food web, and the agency's repeated conclusions that permitted dischargers are a primary source of the anthropogenic sources of this pollution, Ecology has taken no action. As the petition discusses, not only is agency action—in the form of water quality-based effluent limits in the NPDES permits—required pursuant to the Clean Water Act but it is also required—in the form of technology-based limits—as a matter of state law.

In 2013, as part of the Performance Partnership Agreement (PPA) with Ecology for the coming year, EPA and Ecology agreed that the joint studies by the agencies "will enable us to address nutrient problems [in Puget Sound] before they become catastrophes" and that the "studies may show we need to reduce human related sources of nitrogen to keep Puget Sound healthy." The identical language was repeated in the PPA for state fiscal years 2016–2017. Yet, despite the definitive conclusions of the studies that have been completed to date, Ecology continues to issue NPDES permits for dischargers to Puget Sound and its tributaries with no nitrogen limits and no clear, legally-supportable, explanation as to why such limits are not required. There is absolutely no indication that Washington's unacceptable method of permitting will change in the foreseeable future.

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[www.NorthwestEnvironmentalAdvocates.org](http://www.NorthwestEnvironmentalAdvocates.org)

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February 13, 2017  
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Not only are controls on nutrient discharges to Puget Sound required to protect water quality and the food web from the deleterious effects of this pollution but such controls would provide another benefit to the Sound, the people who consume its fish and shellfish, and its threatened and endangered species: reduction of toxics. EPA has funded studies in Washington that demonstrate precisely this point and yet the agency has taken no steps to require Ecology to use the mandatory regulatory tools that would achieve this outcome.

We look forward to your timely response to this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Nina Bell", with a stylized, flowing script.

Nina Bell  
Executive Director

cc: Michelle Pirzadeh, Acting Regional Administrator Region 10  
Christine Psyk, Acting Director, Office of Water & Watersheds Region 10

Attachment: Petition for Corrective Action or Withdrawal of Authorization from the State of Washington to Issue National Pollutant Discharge Elimination System Permits